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Filed : November 12, 2003

### REMARKS

Prior to the entry of the foregoing amendments, Claims 1-16 stand pending in the present application. This amendment amends Claims 1, 3, 7 – 13 and adds new Claims 17-20. Thus, after entry of this amendment, Claims 1- 20 are pending and presented for allowance.

### COMMENTS

#### Claim Rejections

In the November 30, 2005 Office Action, the Examiner rejected Claims 13 and 14 on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over Claims 22-23 of U.S. Patent No. 6,685,016. The Examiner also rejected Claims 1-12 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. Further, the Examiner rejected Claims 1-3, 5-9, 11, and 12 under 35 U.S.C. § 102(b) as being anticipated by Trummer (U.S. 6,354,477). The Examiner also rejected Claims 13 and 16 under 35 U.S.C. § 102(b) as anticipated by or in the alternative under 35 U.S.C. § 103(a) as obvious over Kelly, et al. (DES. 380,612). Moreover, the Examiner rejected Claims 4 and 10 under 35 U.S.C. § 103(a) as being unpatentable over Trummer in view of Hillsberg, et al. (U.S. 5,996,49). The Examiner rejected Claim 14 under 35 U.S.C. § 103(a) as being unpatentable over Kelly, et al. in view of Hillsberg, et al. Finally, the Examiner rejected Claims 16 under 35 U.S.C. § 103(a) as being unpatentable over Kelly, et al. in view of Shyr (U.S. 5,967,270). In view of the subsequent discussion, applicant respectfully traverses the rejections and respectfully requests that the Examiner pass the claims to allowance.

#### Rejection Of Claims 13 And 14 Based On Nonstatutory Obvious-Type Double Patenting

The Examiner rejected Claims 13 and 14 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 22-23 of U.S. Patent No. 6,685,016. In view of the following discussion, Applicant respectfully traverses this rejection.

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The Examiner noted that a timely filed disclaimer in compliance with 37 C.F.R. § 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground. Accordingly, Applicant through its registered attorney of record has provided a signed terminal disclaimer herein. Accordingly, Applicant has traversed this rejection and respectfully requests that the Examiner withdraw this rejection and pass Claims 13-14 to allowance.

**Rejection Of Claims 1-12 Under 35 U.S.C. § 112, Second Paragraph**

The Examiner rejected Claims 1-12 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, regarding Claims 1 and 7, the Examiner indicated that the use of the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claim invention. Accordingly, Applicant has deleted the reference to the "such as" language and the language immediately following the phrase.

With regard to Claim 8, the Examiner noted that the term "upper apex" lacks proper antecedent basis. Applicant has amended Claim 8 to delete reference to an "upper apex" and now recite "pivoting portion" which has an antecedent basis in Claim 7 as amended.

Accordingly, Applicant traverses this rejection. Applicant respectfully requests that the Examiner withdraw this rejection and pass Claims 1-12 to allowance.

**Rejection Of Claims 1-3, 5-9, 11, and 12 Under 35 U.S.C. § 102(b)**

The Examiner rejected Claims 1-3, 5-9, 11, and 12 under 35 U.S.C. § 102(b) as being anticipated by Trummer (U.S. 6,354,477). In view of the following discussion, Applicant respectfully traverses this rejection.

Applicant does not agree with the Examiner's characterizations of the teachings of Trummer nor with the reasoning of the Examiner's rejection based thereon. For example, the Examiner claims that Trummer discloses straps that would allow a user to secure the apparatus to a vehicle. However, Trummer does not disclose or suggest straps for securing the apparatus to a vehicle. Regardless, Claim 1 has been amended

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to recite that the "front portion" comprises "a retaining member with a variable length extending across a region of the front portion, said retaining member configured to removably retain said entertainment device against said front portion." Trummer does not disclose or suggest such a "retaining member." Accordingly, Trummer does not disclose all the limitations of Claim 1. Thus, Claim 1 is believed to be allowable. Claims 2-6 which depend from Claim 1 are believed to be patentable for the same reasons articulated above with respect to Claim 1, and because of the additional features recited therein. Applicant respectfully requests that the Examiner withdraw this rejection and pass these claims to allowance.

Claim 7 has been amended to recite a method for removably mounting an entertainment device. This method is not disclosed or suggested in Trummer. Claim 7 has also been amended to recite "positioning said entertainment device between said platform and a retaining member with an adjustable length." Trummer does not disclose or suggest such a "retaining member." Accordingly, Claim 7 is believed to be allowable. Claims 8-12 have been amended to be proper dependent method claims. These Claims which depend from Claim 7 are believed to be patentable for the same reasons articulated above with respect to Claim 7 and because of the additional features recited therein. Applicant respectfully requests that the Examiner withdraw this rejection and pass Claims 7-12 to allowance.

**Rejection Of Claims 13, 16 Under 35 U.S.C. § 112(b) Or In The Alternative Under 35 U.S.C. § 103(a)**

The Examiner rejected Claims 13 and 16 as unpatentable under 35 U.S.C. § 102(b) as anticipated or in the alternative under 35 U.S.C. § 103(a) as obvious over Kelly et al. (Des. 380,612). In view of the following discussion, Applicant respectfully traverses this rejection.

Applicant does not agree with the Examiner's characterizations of the teachings of Kelly nor with the reasoning of the Examiner's rejection based thereon. For example, Applicant respectfully disagrees with the Examiner's identification of a "first strap" as "the interior foam divider and cushioning piece as shown in Figure 7." The interior foam divider of Kelly is just that -- an interior foam divider. It is not a "strap" in any sense of

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the word. Moreover, the Examiner identified as a second strap "the strap on the exterior portion of the case." Kelly, however, does not teach or suggest how that strap could possibly be used to attach a device to at least one car seat. Moreover, Claim 13 has been amended to more clearly define the subject matter of the invention without narrowing its scope. Accordingly, Claim 13 is believed to be allowable. Claims 14-16, which depend from Claim 13, are believed to be patentable for the same reasons articulated above with respect to Claim 13 and because of the additional features recited therein. Applicant respectfully requests that the Examiner withdraw this rejection and pass Claims 13-16 to allowance.

**Rejection Of Claims 4 and 10 Under 35 U.S.C. § 103(a)**

The Examiner rejected Claims 4 and 10 under 35 U.S.C. § 103(a) as being unpatentable over Trummer in view of Hillsberg, et al. In view of the following discussion, Applicant respectfully traverses this rejection.

Applicant does not agree with the Examiner's characterization of the teachings of Trummer or Hillsberg nor with the reasoning of the Examiner's rejection based thereon. Regardless, Claims 4 and 10 depend on Claims 1 and 7 respectively. Because Claims 1 and 7 are believed to be allowable, Claims 4 and 10 are believed to be patentable for the same reasons articulated above with respect to Claims 1 and 7 and because of the additional features recited therein. Applicant respectfully request that the Examiner withdraw this rejection and pass Claims 4 and 10 to allowance.

**Rejection Of Claim 14 Under 35 U.S.C. § 103(a)**

Examiner rejected Claim 14 under 35 U.S.C. § 103(a) as being unpatentable over Kelly in view of Hillsberg. In view of the following discussion, Applicant respectfully traverses this rejection.

Applicant does not agree with the Examiner's characterization of the teachings of Kelly or Hillsberg nor with the reasoning of the Examiner's rejection based thereon. Regardless, Claim 14 depends on Claim 13. Claim 13 is believed to be allowable for the reasons discussed above. Thus, Claim 14 is believed to be allowable for the same reasons articulated above with respect to Claim 13 and because of the additional

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features recited therein. Applicant respectfully requests that the Examiner withdraw this rejection and pass Claim 14 to allowance.

**Rejection Of Claim 16 Under 35 U.S.C. § 103(a)**

The Examiner rejected Claim 16 as unpatentable under 35 U.S.C. § 103(a) as being unpatentable over Kelly et al. in view of Shyr. In view of the following discussion, Applicant respectfully traverses this rejection.

Applicant does not agree with Examiner's characterizations of the teachings of Kelly or Shyr nor with the reasoning of the rejection based thereon. Regardless, Claim 16 depends from Claim 13. Claim 16 is believed to be allowable for the same reasons articulated above with respect to Claim 13 and because of the additional feature recited therein. Applicant respectfully requests the Examiner withdraw this rejection and pass Claim 16 to allowance.

**NEW CLAIMS**

Applicant has presented new Claims 17-20. New Claims 17 – 19 depend from Claim 1. Claims 17-19 are believed to be patentable for the same reasons articulated above with respect to Claim 1, and because of the additional features recited therein. New Claim 20 depends from Claim 7. Claim 20 is believed to be patentable for the same reasons articulated above with respect to Claim 7, and because of the additional features recited therein. Applicant respectfully requests the Examiner pass Claims 17-20 to allowance.

**CONCLUSION**

If the Examiner finds any remaining impediment to the prompt allowance of these claims that could be clarified with a telephone conference, the Examiner is respectfully requested to initiate the same with the undersigned.

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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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